

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

DEC 18 2024

FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,
vs.**LABAR TSETHLIKAI, a.k.a.****"Marty Matthews,"**

Defendant.

-) CRIMINAL NO. 24-539 DHU
-) Count 1: 18 U.S.C. § 1201(a)(1):
Kidnapping Resulting in Death;
-) Count 2: 18 U.S.C. §§ 1153 and 1111:
First Degree Murder;
-) Count 3: 18 U.S.C. §§ 1153 and 1111:
First Degree Felony Murder;
-) Count 4: 18 U.S.C. §§ 1153 and 1201(a):
Kidnapping Resulting in Death;
-) Counts 5, 6, 9, 11, 13, and 14: 18 U.S.C.
§§ 1153 and 1201(a): Kidnapping;
-) Count 7: 18 U.S.C. §§ 1153 and
113(a)(1): Assault with Intent to Commit
Murder;
-) Count 8: 18 U.S.C. §§ 1153 and
113(a)(6): Assault Resulting in Serious
Bodily Injury;
-) Count 10: 18 U.S.C. §§ 1153, 2241, and
2246(2)(B): Aggravated Sexual Abuse;
-) Count 12: 18 U.S.C. §§ 1153 and
113(a)(3): Assault with a Dangerous
Weapon; and
-) Counts 15, 16, and 17: 18 U.S.C. §
1201(a)(1): Kidnapping.

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

On or about October 22, 2022, in McKinley County, in the District of New Mexico and elsewhere, the defendant, **LABAR TSETHLIKAI**, unlawfully and willfully seized, confined, inveigled, decoyed, kidnapped, abducted, and carried away John Doe 1 and held him for ransom, reward, and otherwise, and in committing or in furtherance of the commission of the offense, used a motor vehicle, an interstate highway system, and a liquor store, as means, facilities, and instrumentalities of interstate and foreign commerce, and as to John Doe 1, death resulted.

In violation of 18 U.S.C. § 1201(a)(1).

Count 2

On or about January 18, 2024, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **LABAR TSETHLIKAI**, an Indian, unlawfully killed John Doe 2, an Indian, with malice aforethought, in that the defendant killed John Doe 2 willfully, deliberately, maliciously, and with premeditation.

In violation of 18 U.S.C. §§ 1153 and 1111.

Count 3

On or about January 18, 2024, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **LABAR TSETHLIKAI**, an Indian, unlawfully killed John Doe 2 in the perpetration of, or attempt to perpetrate, kidnapping and sexual abuse.

In violation of 18 U.S.C. §§ 1153 and 1111.

Count 4

On or about January 18, 2024, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **LABAR TSETHLIKAI**, an Indian, unlawfully seized, confined,

inveigled, decoyed, kidnapped, abducted, and carried away John Doe 2 and held him for ransom, reward, and otherwise, and death resulted.

In violation of 18 U.S.C. §§ 1153 and 1201(a).

Count 5

On or about May 19, 2023, in Indian Country, in McKinley County, in the District of New Mexico and elsewhere, the defendant, **LABAR TSETHLIKAI**, an Indian, unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, and carried away John Doe 3 and held him for ransom, reward, and otherwise.

In violation of 18 U.S.C. §§ 1153 and 1201(a).

Count 6

On or about June 15, 2023, in Indian Country, in McKinley County, in the District of New Mexico and elsewhere, the defendant, **LABAR TSETHLIKAI**, an Indian, unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, and carried away John Doe 4 and held him for ransom, reward, and otherwise.

In violation of 18 U.S.C. §§ 1153 and 1201(a).

Count 7

On or about June 15, 2023, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **LABAR TSETHLIKAI**, an Indian, assaulted John Doe 4, and the assault was done with the specific intent to commit murder.

In violation of 18 U.S.C. §§ 1153 and 113(a)(1).

Count 8

On or about June 15, 2023, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **LABAR TSETHLIKAI**, an Indian, assaulted John Doe 4, and the assault resulted in serious bodily injury.

In violation of 18 U.S.C. §§ 1153 and 113(a)(6).

Count 9

On or about July 13, 2023, in Indian Country, in McKinley County, in the District of New Mexico and elsewhere, the defendant, **LABAR TSETHLIKAI**, an Indian, unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, and carried away John Doe 5 and held him for ransom, reward, and otherwise.

In violation of 18 U.S.C. §§ 1153 and 1201(a).

Count 10

On or about July 13, 2023, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **LABAR TSETHLIKAI**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with John Doe 5, by using force and by threatening and placing John Doe 5 in fear that any person would be subjected to death, serious bodily injury, and kidnapping, and the sexual act consisted of contact between the penis of the defendant and the mouth of John Doe 5, involving penetration, however slight.

In violation of 18 U.S.C. §§ 1153, 2241, and 2246(2)(B).

Count 11

On or about August 24, 2023, in Indian Country, in McKinley County, in the District of New Mexico and elsewhere, the defendant, **LABAR TSETHLIKAI**, an Indian, unlawfully seized,

confined, inveigled, decoyed, kidnapped, abducted, and carried away John Doe 6 and held him for ransom, reward, and otherwise.

In violation of 18 U.S.C. §§ 1153 and 1201(a).

Count 12

On or about August 24, 2023, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **LABAR TSETHLIKAI**, an Indian, assaulted John Doe 6 with a dangerous weapon, specifically, a baseball bat, with intent to do bodily harm.

In violation of 18 U.S.C. §§ 1153 and 113(a)(3).

Count 13

On or about September 7, 2023, in Indian Country, in McKinley County, in the District of New Mexico and elsewhere, the defendant, **LABAR TSETHLIKAI**, an Indian, unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, and carried away John Doe 7 and held him for ransom, reward, and otherwise.

In violation of 18 U.S.C. §§ 1153 and 1201(a).

Count 14

On or about September 15, 2023, in Indian Country, in McKinley County, in the District of New Mexico and elsewhere, the defendant, **LABAR TSETHLIKAI**, an Indian, unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, and carried away John Doe 8 and held him for ransom, reward, and otherwise.

In violation of 18 U.S.C. §§ 1153 and 1201(a).

Count 15

On or about February 16, 2024, in McKinley County, in the District of New Mexico and elsewhere, the defendant, **LABAR TSETHLIKAI**, unlawfully and willfully seized, confined,

inveigled, decoyed, kidnapped, abducted, and carried away John Doe 9 and held him for ransom, reward, and otherwise, and in committing or in furtherance of the commission of the offense, used a motor vehicle and an interstate highway system as means, facilities, and instrumentalities of interstate and foreign commerce.

In violation of 18 U.S.C. § 1201(a)(1).

Count 16

On or about April 5, 2024, in Bernalillo County, in the District of New Mexico and elsewhere, the defendant, **LABAR TSETHLIKAI**, unlawfully and willfully seized, confined, inveigled, decoyed, kidnapped, abducted, and carried away John Doe 10 and held him for ransom, reward, and otherwise, and in committing or in furtherance of the commission of the offense, used a motor vehicle, an interstate highway system, and a bus stop, as means, facilities, and instrumentalities of interstate and foreign commerce.

In violation of 18 U.S.C. § 1201(a)(1).

Count 17

On or about April 11, 2024, in Bernalillo County, in the District of New Mexico and elsewhere, the defendant, **LABAR TSETHLIKAI**, unlawfully and willfully seized, confined, inveigled, decoyed, kidnapped, abducted, and carried away John Doe 11 and held him for ransom, reward, and otherwise, and in committing or in furtherance of the commission of the offense, used a motor vehicle, an interstate highway system, and a bus stop, as means, facilities, and instrumentalities of interstate and foreign commerce.

In violation of 18 U.S.C. § 1201(a)(1).

NOTICE OF SPECIAL FINDINGS

The Grand Jury repeats and realleges the accusations in Count 1 of the Indictment.

With respect to Count 1, the Grand Jury makes the following special findings that the defendant, **LABAR TSETHLIKAI**:

- a. Was 18 years of age or older at the time of the offenses charged in Count 1 (18 U.S.C. § 3591(a));
- b. Intentionally killed John Doe 1 (18 U.S.C. § 3591(a)(2)(A));
- c. Intentionally inflicted serious bodily harm that resulted in the death of John Doe 1 (18 U.S.C. § 3591(a)(2)(B));
- d. Intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that John Doe 1 died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));
- e. Intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that the act constituted a reckless disregard for human life and John Doe 1 died as direct result of the act (18 U.S.C. § 3591(a)(2)(D));
- f. Caused death, and injury resulting in death, during the commission, attempted commission, and immediate flight from the commission of an offense under 18 U.S.C. § 1201 (18 U.S.C. § 3592(c)(1));
- g. Has previously been convicted of two or more Federal or state offenses, punishable by more than 1 year, committed on different occasions, involving the infliction of, or

attempted infliction of, serious bodily injury or death upon another person (18 U.S.C. § 3592(c)(4));

- h. Committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to John Doe 1 (18 U.S.C. § 3592(c)(6));
- i. Committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value (18 U.S.C. § 3592(c)(8));
- j. Committed the offense after substantial planning and premeditation (18 U.S.C. § 3592(c)(9)); and
- k. Committed the offense against a particularly vulnerable victim (18 U.S.C. § 3592(c)(11)).

A TRUE BILL:

ISI
FOREPERSON OF THE GRAND JURY



Assistant United States Attorney
MMJ